

REMARKS

The non-final Office Action of May 21, 2010, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 5-7, 10, 11, 13 and 16 have been amended, claims 3-4, 8-9, 12, 14-15 and 17-24 have been canceled, and no claims have been added. No new matter has been introduced. Reconsideration and allowance of pending claims are respectfully requested.

Amendments to the Specification

Applicants have amended the specification to incorporate excerpts from the provisional application 60/540,161, to which this application claims priority. Specifically, text from pages 18-20 of that provisional, and the figure thereon, are added to the specification. This is not new matter, since the entirety of the provisional application was previously incorporated by reference in the priority claim.

Independent Claim 1 and Dependent Claims 2 and 5-6

Amended claim 1 recites the following:

an RF combiner configured to combine three video protocol streams carrying differently-encoded versions of the same audiovisual content to a consumer equipment, wherein a first one of the video transport protocol streams contains the audiovisual content directly encoded according to a video transport protocol; and

a bi-directional data communication unit (BDCU) configured to provide second and third ones of the video protocol streams to the RF combiner, wherein the second one of the video protocol streams contains packets having payloads that contain a combination of the audiovisual content and other Internet Protocol data, and the third one of the video protocol streams contains packets having payloads that contain only the audiovisual content

The primary reference, Cameron et al. (U.S. Patent Application Publication No. 2005/0028206), does not have such an RF combiner configured to combine the three recited video protocol streams carrying differently-encoded versions of the same audiovisual content. For example, Cameron et al. is a DSL (Digital Subscriber Loop) system, and uses an IP multicast stream

to send all the data that a user receives. Cameron et al. para. 0026 (“An IP Multicast signal from the DSLAM 18 is delivered to a subscriber’s residence ...”). This is also evident from Cameron et al. Fig. 5, which illustrates all of its audio/visual content data (e.g., Live MPEG 62, NVOD 66, VOD 72, etc.) being IP encapsulated.

The secondary reference, Baran et al. (U.S. Patent Application Publication No. 2003/0200548), was only cited for the use of IP/UDP/RTP encapsulation. Like Cameron et al., Baran et al. also notes that its streams are IP-encapsulated. Baran et al., para. 0190 (“The format of the stream is IP-encapsulated MPEG.”). The remaining references (Dworkin and Krause) are also only cited for other features in dependent claims, and do not show the three streams recited in amended claim 1.

Accordingly, Applicants submit that amended independent claim 1 distinguishes over the applied references. Claims 2 and 5-6 depend from claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the features recited therein.

Independent Claim 7, and Dependent Claims 10-11, 13 and 16

Amended independent claim 7 recites the following:

encapsulating a first copy of audiovisual (AV) data as payload in packets according to a video transport protocol to form a first video transport stream;

encapsulating Internet Protocol (IP) data as payload in packets according to a modem protocol, combining the modem protocol packets with a second copy of the AV data, and encapsulating the combination as payload in packets according to the video transport protocol to form a second video transport stream;

encapsulating a third copy of the AV data as payload in packets according to the modem protocol, and encapsulating the modem protocol packets as payload in packets according to the video transport protocol to form a third video transport stream; and

transmitting a combination of the three video transport streams from a common transmitter and onto a common medium

The cited references do not disclose, alone or in combination, the recited different encapsulations of three copies of the AV data. For example, any copies of Cameron et al.’s data (e.g., the MPEG-1 and MPEG-2 copies described in para. 0072) are treated the same way for

encapsulation. The other references do not overcome this deficiency either, and accordingly, Applicants submit that amended independent claim 7 distinguishes over the applied references. Claims 10-11, 13 and 16 depend from claim 7, and are distinguishable for at least the same reasons, and further in view of the various features recited therein.

CONCLUSION

For at least the reasons set forth above, Applicant submits that the pending claims distinguish over the applied art, and are in condition for allowance. However, if the Examiner believes that further discussion and/or amendment would be helpful, the Examiner is invited to telephone the Applicant's undersigned representative.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 20, 2010

By: / Steve Chang /

Steve S. Chang

Reg. No. 42,402

1100 13th Street, N.W.

Washington, D.C. 20005

Tel: (202) 824-3000

Fax: (202) 824-3001